FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 708 OF 2005.
IN
CRIMINAL APPEAL NO. 101 OF 2005 .

Sachin Vijay Khedekar .. Applicant.
vs.
The State of Maharashtra. .. Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders. : Court's or Judge's orders

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Shri A.P. Mundargi with Mukesh Pandey for the applicant.
Shri D.P. Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 22-2-2005.

P.C.:

1. Heard learned Counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is convicted by the trial Court for having committed an offence punishable under sections 376, 366 and 363 of the Indian Penal Code and is sentenced to suffer R.I. for 7 years, 5 years and 3 months respectively. No separate sentence is awarded for offence under section 363 of the I.P.C.

3. The trial Court has imposed a fine

of Rs. 5,000/-, Rs. 3,000/- and Rs. 3,000/- on 3 counts. The case of the prosecution is that the applicant had taken the prosecutrix in the house of his friend and had asked the friend to lock the door from outside. The mother of the friend had broken open the lock and entered the house and the applicant ran away and the prosecutrix was found in the house. There was delay in lodging the complaint and the explanation given by the prosecutrix is that the mother of the applicant had assured her that applicant would marry her. However, the said promise was not fulfilled and therefore, complaint was lodged. The Doctor's evidence does indicate that her hymen was torn. However, there were no injuries on the person of the prosecutrix. Applicant is in jail since 4th January 2005. He was on bail during trial. Considering the peculiar facts and circumstances of the case and also the fact that complaint was lodged after some time and also the fact that applicant was on bail during trial, the applicant is entitled to be released on bail.

5. Accordingly, applicant is directed to be released on bail in the sum of Rs. 5,000/- with one or two sureties in the like amount. Bail is granted on the condition that the applicant shall deposit amount of fine imposed by the trial Court within 4 weeks. Applicant shall further deposit a sum of Rs. 7,000/-. Thus, the entire amount, i.e. amount of fine and also amount of Rs. 7,000/-, if deposited by the applicant to be paid to the prosecutrix towards compensation. The prosecutrix is permitted to withdraw this amount. This order be communicated to the prosecutrix and/or her guardian- mother by the office.

6. Application is allowed in the above terms.